IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CRIMINAL NO. 3:12-CR-00254-MOC-DSC

UNITED STATES OF AMERICA,)	
)	
)	
)	<u>ORDER</u>
v.)	
)	
JAVOTA JETER,)	
)	
Defendant.)	

THIS MATTER is before the Court on the Defendant's two pro se letters to the Court complaining about his court appointed counsel James S. Weidner, Jr. (documents # 58 and 59) filed September 23 and October 4, 2013, respectively. The Court held a hearing in this matter on November 5, 2013.

In his first letter, Defendant misunderstands the Sentencing Guidelines and the prohibition against double jeopardy. The Court advised him that these were legal issues that would be raised only if his counsel believed the arguments had a basis in fact and law. In his second letter, Defendant complains that he was shown a draft of his pre-sentence report, but not the final version. Mr. Weidner told Defendant that the final version contained no changes. The Court does not find these matters to be sufficient to warrant removal of Mr. Weidner.

However, Mr. Weidner expressed concerns about Defendant's reference to "6th Amendment violations" in the second letter. Mr. Weidner represented that this amounts to a claim for ineffective assistance of counsel and places him in an adversary relationship with the

Defendant. For this reason, the Court relieves Mr. Weidner of any further representation and directs the Federal Defender to appoint new counsel for Defendant.

The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Max O. Cogburn, Jr..

SO ORDERED.

Signed: November 6, 2013

David S. Cayer

United States Magistrate Judge